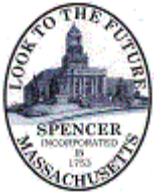


# Conservation Commission – Town of Spencer



## *Minutes*

Conservation Commission Meeting  
Wednesday, August 14, 2013 at 7:00 PM  
Town Hall, McCourt Social Hall

---

The Meeting was opened at 7 p.m.

Commissioners Present: Mary McLaughlin, Dana Reed, Margaret Emerson

Commissioners Absent: Warren Snow

Staff present: Margaret Washburn

**Minutes Approved:** July 10, 2013 - tabled until August 28, 2013  
July 24, 2013 – tabled until August 28, 2013

**Signed:** Mass Audubon document, Green property  
Continuance Request for New England Automotive Gateway  
10 Wilson Avenue, Certificate of Compliance – *A motion to issue the Certificate of Compliance (Emerson/Reed) passed 4/0.*  
62 Thompson Pond Road, Order of Conditions  
Continuance Request, 5 Meadow Road  
Elm Street Culvert, Certificate of Compliance – *A motion to issue the Certificate of Compliance (Emerson/Reed) passed 3/0.*  
Sugden Dam, Certificate of Compliance – Ms. McLaughlin is an abutter so this Certificate of Compliance is postponed to August 28, 2013.  
Cranberry Meadow Well, Certificate of Compliance – *A motion to issue the Certificate of Compliance (Emerson/Reed) passed 3/0.*

### **7:15 p.m. Opened the Continuation of Public Hearing for Notice of Intent for George Bell**

#### **Property: 22 Podunk Highway (Route 49), Spencer, MA DEP#293-0795**

Dan Feeney, from Beals and Thomas, said the peer review comments have been received from Graves Engineering. All comments have been addressed. The Planning Board has issued their site plan for the project. The Special Permit has been issued from the ZBA. Ms. Washburn said she has no issues at this time with the project. She also said the Graves Engineering follow-up letter dated 8/9/13 had no issues with the project. Susan Connors of MA DEP Drinking Water Protection Program called Ms. Washburn today. She said that she thought the Commission has done everything they needed to do in regards to ensuring the project protects water quality.

*A motion to close the public hearing (Emerson/Reed) passed 3/0.*

*A motion to accept plan as submitted with conditions as discussed (Emerson/Reed) passed 3/0, Order of Conditions to be issued.*

**7:25 p.m. Opened the Public Hearing for Notice of Intent for the Town of Spencer Sewer Commission**

**Property: 33 Meadow Road, Spencer, MA DEP#293-0797**

Gregg McVeigh presented photos and drawings. The project is for a new pump station building and a 20-foot-deep wet well. A FRAC tank will be used for dewatering. Clean water will go straight to the treatment plant. The silt will be taken out and the water will be sent back down the sewer line. New electricity will be brought in then the building will be demolished. After demolition, a parking lot, emergency generator and propane tanks will be installed. There will be very little paving for the driveway. Most of the surface is expected to remain gravel. They will not plant grass in any of the area, as seed will not grow.

Mr. McVeigh said there is currently a wet well and a dry well underground. Both will be backfilled. The pump station is a precast engineered building that comes in on a flatbed. Once the wet well is installed, a foundation pad will be built. The building is 12' x 14'. The pad will be installed approximately 20' into the ground. Mr. McVeigh said the soil is very poor. They will use augers to stabilize the foundation.

Mr. McVeigh said that the contractor for this site has to work with an EPA dewatering permit and a general construction permit. There will be a SWPPP. Silt fence/hay bale/silt fence layers will be installed. Mr. McVeigh said jersey barriers will be installed to protect the building from traffic on Meadow Road. A 500-gallon propane tank is outside the building. The propane tank and the emergency generator will be contained within a six-inch chain link fence. The jersey barriers will go outside the chain link fence.

Mr. McVeigh said the items they will be looking for from the contractor are a complete construction schedule, erosion control plan, dewatering permit and a shop drawing submittal that has been reviewed by an engineer. The Sewer Department has their own specifications for dewatering, the erosion controls and loaming and seeding. Ms. Washburn requested that a condition be put in the Order of Conditions that states that the SWPPP reports are forwarded to her.

*A motion to close the public hearing (Emerson/Reed) passed 3/0.*

*A motion to accept the plan with a condition that the SWPPP reports are submitted to Margaret Washburn (Emerson/Reed) passed 3/0, Order of Conditions to be issued.*

**7:42 p.m. Opened the Public Hearing for Notice of Intent for Al Gould**

**Property: 45 Lake Avenue, Spencer, MA DEP#293-0799**

Revised plans were submitted after the site visit. Richard Gobi presented the plan. Mr. Gobi said the existing structure will be removed and a new home will be built. The

floodplain was set 18" above the elevation of the spillway. Ms. Washburn requested that Mr. Gobi call within five days of when they need the erosion control inspection. Mr. Gobi added a note to the plan stating that no material will be stockpiled on site.

*A motion to close the public hearing (Reed/Emerson) passed 3/0.*

*A motion to accept the plan as submitted with standard conditions (Emerson/Reed) passed 3/0, Order of Conditions to be issued.*

**7:50 p.m. Opened the Public Meeting for Request for Determination of Applicability for Dean Chaffe**

**Property: 4 Wilson Street, Spencer, MA**

Mr. Chaffe said the plan is to establish a one car parking space of the semi-circular driveway in the front of the house.

He will re-grade the driveway on the west side of the house up to the generator pad and put in pavers. The upper portion of the driveway will be re-paved as per the Negative Determination issued last year. Mr. Chaffe said the next part of the project is to construct a small addition on the out building on the south side of the house. He said they have to re-grade up to where the generator is located and install pavers. Ms. Washburn said that Mr. Chaffe is making a less impervious service which is great. The size of the foundation slab for the addition will be 12.5' by 6'. Mr. Chaffe said he possibly will be putting up a fence, which he has added to the plan. The fence would be placed just inside the retaining wall. If he decides not to install the fence, he will plant arborvitaes. The arborvitaes will be planted below the ESC's between the ESC's and the stream. He also said the portion of the brook on his property is intermittent, not perennial.

*A motion to close the public meeting (Reed/Emerson) passed 3/0.*

*A motion for a Negative Determination (Emerson/Reed) passed 3/0.*

**8:05 p.m. Opened the Public Hearing for Notice of Intent for Steven Turner**

**Property: 5 Meadow Road, Spencer, MA DEP#293-0806**

*At the request of the applicant, the hearing has been continued to August 28, 2013.*

**8:07 p.m. Opened the Public Hearing for Notice of Intent for Cliff Leinonen**

**Property: 9 R Jones Road, R27/4-4, & 9 R Jones Road, R27/4-5, Spencer, MA DEP#293-0801 & #293-0802**

There is only one site plan for these properties, so the two hearings were opened together. Mr. Leinonen said the previous land he owned on R Jones Road was sold to Mass Audubon. When he sold the property, he did not have good access to get to his land. Mr. Leinonen said he is not looking to build on these properties right now, but maybe down the road. Mr. Leinonen said at the site visit, the Commission had a question about the size of the pipe. He said the pipe is on the plan. It is a 12" HDPE pipe. It is ribbed on the outside and smooth on the inside.

Ms. Washburn said that the Order of Conditions will also be a Storm water Permit. She also said if Mr. Leinonen plans on pulling the stumps beyond the end of the driveway that should be shown on the plan now. Ms. McLaughlin said she would like a legend or a key showing all symbols put on the plan.

Ms. Washburn said the Town Planner, Michelle Buck, has an issue with Mr. Leinonen's mother's property. Ms. Buck had said it is not a buildable lot. Mr. Leinonen said all his comments from the different boards have been recommendations on this plan. The only thing he and Ms. Buck disagree on is Ms. Buck saying he needs to obtain a Special Permit from the Planning Board.

Ms. Washburn suggested that an Order be put in the conditions that states the wetland flags must have legible numbers throughout the life of the project. Ms. Washburn also said revised plans should be required at a scale of 1" = 20' and showing one page for existing conditions and one page for proposed conditions. The plan should show existing and limits of proposed tree lines. Stock piling areas should be shaded or crosshatched, not depicted as a dot, as they are on the latest version of the plans.

Ms. Washburn said there is serious potential for erosion on the steep (2:1) side slopes on either side of the driveway. Steep slopes need to show a minimum of four (4) inches of topsoil, an appropriate seed mix and seeding rate approved by NRCS, straw mulch, and extra rows of silt fence/ hay bales across the slopes. Ms. Washburn can provide the seeding mixes and rates approved by NRCS to the applicant. On page 1 of the site plans submitted on 8/7, under Construction Sequence, Note# 6 calls for "friable loam" in proposed turf areas. This should be changed to read "topsoil" on the revised plan.

The erosion controls on the plan are labeled "Proposed siltation fence with hay bales". This needs to be changed to "Double-staked hay bales and silt fence". The legend or key needs to show the symbol for the erosion controls as well as all other symbols on the plans.

On Page 1 of the plans, Construction Sequence note #2 reads "Perimeter siltation fencing shall be installed". This needs to read "Perimeter double-staked hay bales and silt fence shall be installed".

A condition should be added to the OofC stating that "After double-staked hay bales and silt fence have been installed, the applicant must contact the Spencer Conservation Commission Agent by telephone for an inspection which will occur within 5 business days. No soil disturbance shall be allowed until written permission is given by the Spencer Conservation Commission Agent."

The swale needs to be labeled as such on the plan. A detail to scale showing the depth of the swale needs to be added to the plans. The size of the stone in the swale must be shown. The plan should specify angular stone in the swale, not rounded stone. Arrows on the left and right side of the swale detail appear to conflict. One shows riprap

thickness while the other shows loam and seed. The detail needs to clarify where loam and seed are going relative to the swale.

It was evident during the site inspection that trees and shrubs are being cut and burned in the buffer zone with no permit from the Spencer Conservation Commission. Mr. Leinonen has commenced clearing and burning the vegetation in the area of the proposed driveway without a permit. Such activities should cease until an OofC is issued. Ms. Washburn said burning in the buffer zone is not a good idea. A permit does need to be obtained to burn in the buffer zone. Ms. Washburn said she will contact DEP and get clarification about burning in the buffer zone.

A note on page 1 of the plans reads "The contractor is encouraged to plant non-invasive shrubs such as blueberry bushes at the toe of the slope to increase the vegetated buffer." Note that it does not say the contractor will plant bushes, shall plant bushes, or must plant bushes." It is not up to the contractor, but the applicant, to plant bushes. The Commission may wish to consider requiring some native woody vegetation on the steep 2:1 side slopes in addition to requiring native woody vegetation at the toe of the slope.

A condition needs to be added to the OofC stating: "If soils are to be disturbed for longer than two months within a buffer zone, a temporary cover of rye or other herbaceous vegetation must be established, following U.S.D.A., N.R.C.S. procedures, to prevent erosion and sedimentation. Once final grading is completed, loaming and seeding of final cover must be completed promptly. Vegetative cover, either temporary or permanent, must be established prior to winter. If the season is not appropriate for plant growth, exposed soils shall be stabilized by other appropriate erosion control measures, firmly anchored, to prevent soils from being washed away by rain or flooding. In such cases, additional erosion controls may be required by the Conservation Commission or its Agent to ensure that any eroded materials will not enter wetlands and water bodies."

A note needs to be added to the plan stating that "If soils are to be disturbed for longer than two months within a buffer zone, a temporary cover of rye or other herbaceous vegetation must be established, following U.S.D.A., N.R.C.S. procedures, to prevent erosion and sedimentation. If the season is not appropriate for plant growth, exposed soils shall be stabilized by other appropriate erosion control measures, firmly anchored, to prevent soils from being washed away by rain or flooding."

Steven Tyler of U&F had requested that a condition be added to the OofC stating: "A driveway permit must be obtained and driveway requirements must be verified with U&F Office prior to beginning any site work." Ms. Washburn does not believe the Conservation Commission can add a condition referring to Utilities and Facilities requirements.

*At the request of the applicant, the hearing has been continued to August 28, 2013.*

### **Other Business:**

**19 Pine Acres:** Ms. Washburn said on July 16<sup>th</sup>, she received a complaint about sand being dumped into the water of Thompson Pond. Ms. Washburn inspected and took photos. Recently deposited sand is making its way into the lake, i.e. filling a wetland resource area. Ms. Washburn issued a Notice of Violation on July 16<sup>th</sup> directing Ms. Thebodo to come to the July 31<sup>st</sup> meeting and to file an RDA by July 31, 2013. The work is in violation of DEP file number 293-644. Ms. Washburn said that Ms. Thebodo refused to accept the NOV sent to her by certified mail. On August 7<sup>th</sup> a constable delivered a revised NOV dated August 6, 2013, directing Ms. Thebodo to attend the August 14<sup>th</sup> meeting of the Commission.

Ms. Thebodo said her intent was to have a beach for kids to play on. She said there has never been a piece of equipment that has been in the water. She has a truck bring in the sand. Ms. McLaughlin told Ms. Thebodo that she needs to contain the sand so that it does not flow into the lake. The sand would have to be backed up from the water and a barrier/retainer would have to be put up away from the water. Ms. McLaughlin told Ms. Thebodo that she needs to come up with a plan and submit an RDA. Ms. McLaughlin suggested that Ms. Thebodo look at Bill Toupin's beach from Browning Pond Road. He had the same problem.

Ms. Thebodo spoke about how the town highway department tore the bridge up on Pine Acres and dumped debris on her property. Ms. Thebodo submitted photos of the debris on her property. Ms. Washburn will contact Eben Butler about this issue. Ms. Thebodo also said when the highway department replaced the bridge/culvert the water was diverted onto her property. She said they flooded her house and it cost her over \$100,000 to fix it. Ms. Washburn said she will also speak with the Town Administrator about this.

Ms. Thebodo will submit an RDA with a sketch by September 4<sup>th</sup> to be on the September 25<sup>th</sup> meeting agenda.

**25 Paxton Road:** Mr. Wilfred Breault said he has sold the house. The new owners have moved in. A title 5 was performed and failed due to a broken D box. Mr. Breault is asking if the Commission can open the hearing tonight. Ms. Washburn said it would be illegal for the Commission to open the hearing or make a decision tonight. The hearing is on the Agenda for August 28, 2013. The Commission scheduled a site inspection to this address on August 26th at 10 a.m.

**40 South Spencer Road:** Ms. Washburn said she has been chasing the Rondeaus since May, 2013. She said Mr. Rondeau had said at the May 22, 2013 meeting that they will file a Notice of Intent by July 3, 2013 as stated in the Notice of Violation. This statement is in the Minutes of the May 22<sup>nd</sup> meeting. Ms. Washburn said the Rondeaus have called her within the last two weeks refusing to file the NOI. Ms. Washburn said she referred this issue to DEP.

Ms. Washburn sent the Enforcement Order by certified mail to the Rondeaus. Mrs. Rondeau refused to claim it. On August 7, 2013, Ms. Washburn had the constable serve a letter dated August 5, 2013 to the Rondeaus. This letter required them to attend the August 14, 2013 Commission meeting. The letter was accompanied by copies of the July 15, 2013 Enforcement Order, the July 17, 2013 cover letter, the Spencer GIS maps of the subject property, photographs of the subject property taken on May 6, 2013, a list of wetland scientists, Spencer Conservation Commission procedures for filing a Notice of Intent, and the May 13, 2013 NOV.

Ms. Washburn recommends re-issuing the Enforcement Order with an October date. Ms. McLaughlin said to state in the Enforcement Order that all work must cease and desist. Ms. Washburn will state in the Enforcement Order for the Rondeaus to come in and present a plan. The work will be done under the Enforcement Order, not a Notice of Intent.

**Site Visits:** Ms. McLaughlin said she can only do site visits after school during the school year. Also, Ms. Washburn will ask the State Ethics Commission if members go on a site walk, does the site walk have to be posted as a meeting and record minutes.

New Applications:     25 Paxton Road, RDA  
                                 Clark Road, NOI  
                                 Tom Casey Road, NOI  
                                 25 GH Wilson Road, NOI  
                                 218-219 Greenville Street, NOI  
                                 Thompson Pond Bridge, NOI  
                                 Lincoln Street, NOI

*A motion to adjourn the meeting at 9:45 p.m. (Reed/Emerson) passed 3/0.*

Respectfully submitted by:

---

Lisa Daoust, Senior Clerk  
Development & Inspectional Services

Documents reviewed at the 8/14/13 Spencer Conservation Commission meeting:

Agenda for the 8/14/13 meeting  
Minutes from the 7/10/13 Spencer Conservation Commission meeting (tabled)  
Margaret's report dated 8/14/13  
Baseline Documentation Report from Mass Audubon for Green property, Greenville Street (signed)  
Continuance Request for New England Automotive Gateway – 22 Podunk Pike (signed)  
Continuance Request for Charlie's Diner – 5 Meadow Road (signed)  
Order of Conditions for 22 Podunk Pike (signed)  
Order of Conditions for 62 Thompson Pond Road (signed)  
Certificate of Compliance for 10 Wilson Avenue (signed)  
Certificate of Compliance for Elm Street culvert (signed)  
Certificate of Compliance Sugden Dam (not signed, postponed until 8/28/13)  
Certificate of Compliance for Cranberry Meadow Well Emergency generator (signed)  
Enforcement Order file for 40 South Spencer Road  
Enforcement Order file for 19 Pine Acres Road  
NOI file for 33 Meadow Road – Spencer Sewer Commission  
Photographs submitted on 8/14/13 by Greg McVeigh for 33 Meadow Road  
NOI file for 45 Lake Avenue – Al Gould  
RDA file for 4 Wilson Street, including Negative Determination (signed)  
NOI file for 9 R. Jones Road (R27/4-4 and R27/4-5)  
Letter from Aquatic Control technology re: modifying OofC for Brooks Pond weed control